

REMARKS

Reconsideration is respectfully requested in light of the following remarks.

Claims 1-39 are currently pending in the application with claims 1, 25, 29, 30 and 31 as the independent claims.

Claims 30-39 were previously withdrawn from consideration.

Change of Attorney Docket Number

Applicant respectfully requests that all future correspondence reference docket number **28549-202507**.

Rejections under 35 U.S.C. § 103(a)

- Claims 1-9, 11, 13 and 16-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,844,649 issued to Yamahara et al. (hereinafter “Yamahara”), in view of US Patent No. 6,586,775 issued to Hirayama. See Office Action at ¶ 2 (at page 2).
- Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamahara et al. and Hirayama, and further in view of US Patent No. 4,507,547 to Tage et al. See Office Action at ¶ 3 (at page 11).

Applicant respectfully traverses the rejection and submits the following remarks.

With respect to claims 1-30, applicant respectfully agrees with the Examiner that Yamahara fails to teach first and second electrodes that include a transparent metal stack having a layered structure including alternating metal and interstitial layers formed on one another to exhibit a photonic band gap structure for transmitting a visible wavelength range and suppressing a non-visible wavelength range of the electromagnetic spectrum.

With respect to the Hirayama reference, Applicant respectfully submits that this application is a continuation-in-part of "Transparent Metallo-Dielectric Photonic Band Gap Structure," Serial No. 08/931,756, by M. Scalora, filed on September 16, 1997, issued as US Patent No. 6,262,830 on July 17, 2001. Therefore, the instant priority date of the application is September 18, 1997. The priority of the Hirayama reference, March 20, 2000, post-dates the priority date of the present application. As such, the Hirayama reference may not be relied upon as prior art the basis for rejecting claims of the present application. Applicant respectfully points out to Examiner that US Patent 6,262,830 is listed among references cited on the cover of the Hirayama patent and that US Patent 6,262,830 specifically discloses that the transparent metallo-dielectric photonic band gap structure technology can be used in place of Indium Tin Oxide in liquid crystal displays (see Col. 14, Lines 31-35).

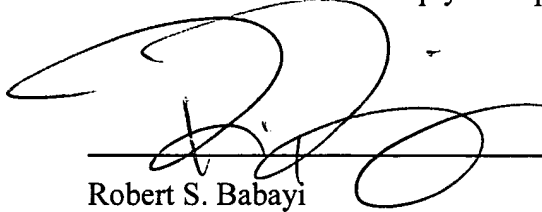
Applicant, therefore, respectfully submits that the Office Action has not set forth a prima facie case of obviousness, and respectfully requests that all rejections based on the cited references be withdrawn be withdrawn.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Date: August 5, 2005

A handwritten signature in black ink, appearing to read 'Robert S. Babayi', is written over a horizontal line.

Robert S. Babayi
Registration No. 33,471
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4800
Telefax : (202) 344-8300